

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRIANNA GRESSETT,

Plaintiff,

v.

No. 1:22-cv-00133-KK

CHARLES ROY, et al.,

Defendants.

**ORDER TO CURE DEFICIENCY AND
NOTICE REGARDING COMMUNICATIONS WITH THE COURT**

THIS MATTER comes before the Court on *pro se* Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. 3, filed February 23, 2022.

Plaintiff filed her Application but did not sign the Affidavit in Support of the Application, which is on the first page of the Application. The Court must strike the Application if Plaintiff does not promptly sign the Affidavit:

Every pleading, written motion, and other paper must be signed by at least one attorney of record ... or by a party personally if the party is unrepresented ... The Court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

Fed. R. Civ. P. 11(a).

Notice Regarding Communications with the Court

Plaintiff called the undersigned's chambers on March 3, 2022. The Court notifies Plaintiff that:

Generally, *pro se* litigants are held to the same standards of professional responsibility as trained attorneys. It is a *pro se* litigant's responsibility to become familiar with and to comply with the *Federal Rules of Civil Procedure* and the *Local Rules of the United States District Court for the District of New Mexico* (the "Local Rules").

Guide for Pro Se Litigants at 4, United States District Court, District of New Mexico (November 2019). The Local Rules, the Guide for Pro Se Litigants and a link to the Federal Rules of Civil Procedure are available on the Court's website: <http://www.nmd.uscourts.gov>.

Attorneys and *pro se* parties are prohibited from all *ex parte* communication with the judge or judge's staff. *Ex parte* communication occurs when one of the parties to a lawsuit exchanges information with the assigned judge (1) without the opposing party being present, or (2) without the knowledge and consent of the opposing party.

Any communication between the assigned judge and a *pro se* litigant should be in writing, and a copy of the communication should be sent to the opposing party or, if represented, to that party's attorney. The letter to the judge should indicate that a copy has been sent to the opposing party. Telephone or personal contact with the judge's staff should be limited to specific scheduling inquiries.

Guide for Pro Se Litigants at 11-12.

Unless otherwise directed, all communication to the court should be addressed to the Clerk of Court, United States District Court, District of New Mexico, using the address for the division [Albuquerque, Las Cruces or Santa Fe] where the subject case has been assigned.

Guide for Pro Se Litigants at 5 (providing the Albuquerque, Las Cruces and Santa Fe addresses).

IT IS ORDERED that Plaintiff shall, within 21 days of entry of this Order, sign the Affidavit in Support of her Application to Proceed in District Court Without Prepaying Fees or Costs. Failure to timely sign the Affidavit may result in the Court striking Plaintiff's Application.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE